

MELVIN R. GOLDMAN (CA SBN 34097)  
MGoldman@mofo.com  
STEPHEN P. FRECCERO (CA SBN 131093)  
SFreccero@mofo.com  
DEREK F. FORAN (CA SBN 224569)  
DForan@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

Attorneys for Defendants  
SEIKO EPSON CORPORATION, EPSON IMAGING  
DEVICES CORPORATION AND EPSON ELECTRONICS  
AMERICA, INC.

[Additional counsel listed on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: LCD (FLAT PANEL) ANTITRUST  
LITIGATION

This Document Relates to:

ATS Claim, LLC v. Epson Electronics  
America, Inc., et al., Case No. 09-cv-1115

AT&T Mobility LLC et al v. AU Optronics  
Corporation et al., Case No. 09-cv-4997

Best Buy Co., Inc., et al. v. AU Optronics  
Corporation et al. Case No. 10-cv-4572

Costco Wholesale Corporation v. AU  
Optronics Corporation, et al., Case  
No. 11-cv-0058

Dell Inc. et al. v. Sharp Corporation et al., Case  
No. 10-cv-1064

Eastman Kodak Company v. Epson Imaging  
Devices Corporation et al., Case No.  
10-cv-5452

Master File No. 3:07-md-1827 SI  
MDL No. 1827  
Case No. 09-cv-1115  
Case No. 09-cv-4997  
Case No. 10-cv-4572  
Case No. 11-cv-0058  
Case No. 10-cv-1064  
Case No. 10-cv-5452  
Case No. 10-cv-0117  
Case No. 09-cv-5840  
Case No. 09-cv-5609  
Case No. 10-cv-4945  
Case No. 10-cv-3205  
Case No. 10-cv-3619  
Case No. 10-cv-3517

**STIPULATION REGARDING  
DISCOVERY AS TO THE  
AUTHENTICITY OF DOCUMENTS  
AND THEIR STATUS AS "BUSINESS  
RECORDS"**

1 Electrograph Systems, Inc., et al. v. Epson  
2 Imaging Devices Corp., et al., Case No.  
10-cv-0117  
3 Motorola, Inc. v. AU Optronics Corporation et  
4 al., Case No. 09-cv-5840  
5 Nokia Corporation, et al v. AU Optronics  
6 Corporation et al., Case No. 09-cv-5609  
7 Target Corp. et al. v. AU Optronics  
8 Corporation et al., Case No. 10-cv-4945  
9 TracFone Wireless, Inc. v. AU Optronics  
10 Corporation et al., Case No. 10-cv-3205  
11 State of Missouri, et al. v. AU Optronics  
12 Corporation et al., Case No. 10-cv-3619  
13 State of Florida v. AU Optronics Corporation  
14 et al., Case No. 10-cv-3517  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 WHEREAS, the parties wish to cooperate in developing an efficient means of addressing  
2 the authenticity and status as business records of documents in the Direct Action Plaintiff and  
3 Attorney General cases referenced above;

4 WHEREAS, the parties also wish to avoid the costs and burdens of discovery requests and  
5 depositions necessary to establish the authenticity and status as business records of documents,  
6 and with that end in mind, the parties are negotiating in good faith a stipulation regarding the  
7 authenticity and status as business records of documents for use in the Direct Action Plaintiff and  
8 Attorney General cases referenced above;

9 WHEREAS, the Court has set a fact discovery cut-off applicable to the Direct Action  
10 Plaintiff and Attorney General cases referenced above of December 8, 2011;

11 WHEREAS, given the number of parties and documents the parties contemplate they will  
12 need additional time to agree on the terms of a stipulation regarding the authenticity and status as  
13 business records of documents for use in the Direct Action Plaintiff and Attorney General cases  
14 referenced above;

15 NOW THEREFORE, IT IS HEREBY STIPULATED by the undersigned counsel on  
16 behalf of the parties identified below (the "Stipulating Parties"), that in the event the parties are  
17 unable to agree on a stipulation regarding the authenticity and status as business records of  
18 documents for use in the Direct Action Plaintiff and Attorney General cases, referenced above, or  
19 if the parties are unable to agree on the authenticity and status as business records of individual  
20 documents, the Stipulating Parties may, nonetheless, proceed with discovery related to the  
21 authentication and status as business records of documents for use in the foregoing actions  
22 beyond the date currently set for the close of fact discovery. This stipulation does not extend the  
23 discovery cut-off for any other discovery proceedings.

24 ///

25 ///

26 ///

27 ///

1 Dated: November 3, 2011

By: /s/ Jason C. Murray

2 CROWELL & MORING LLP  
3 Jason C. Murray  
4 Joshua Stokes  
5 515 South Flower St., 40<sup>th</sup> Floor  
6 Los Angeles, CA 90071  
7 Tel: (213) 622-4750  
8 Fax: (213) 622-2690

6 CROWELL & MORING LLP  
7 Jeffrey H. Howard (*pro hac vice*)  
8 Jerome A. Murphy (*pro hac vice*)  
9 1001 Pennsylvania Avenue, N.W.  
10 Washington D.C. 20004  
11 Tel: (202) 624-2500  
12 Fax: (202) 628-5116

*Counsel for Plaintiffs AT&T Mobility LLC,  
et al.; Motorola Mobility Inc.; and Target  
Corp., et al.*

12 Dated: November 3, 2011

By: /s/ David P. Germaine

13 VANEK VICKERS & MASINI P.C.  
14 David Germaine  
15 111 S. Wacker, Suite 4050  
16 Chicago, IL. 60606  
17 Tel: (312) 224-1500  
18 Fax: (312) 224-1510

*Counsel for Plaintiff ATS Claim, LLC*

1 Dated: November 3, 2011

By: /s/ David Martinez

2 ROBINS, KAPLAN, MILLER & CIRESI  
3 L.L.P.

4 Roman M. Silberfeld

5 David Martinez

6 2049 Century Park East, Suite 3400

7 Los Angeles, CA 90067-3208

8 Tel: (310) 552-0130

9 Fax: (310) 229-5800

10 ROBINS, KAPLAN, MILLER & CIRESI  
11 L.L.P.

12 Elliot S. Kaplan (pro hac vice)

13 K. Craig Wildfang (pro hac vice)

14 Lauren E. Wood (pro hac vice)

15 800 LaSalle Avenue

16 2800 LaSalle Plaza

17 Minneapolis, MN 55402

18 Tel: (612) 349-8500

19 Fax: (612) 339-4181

20 *Counsel for Plaintiffs Best Buy Co., et al.*

21 Dated: November 3, 2011

By: /s/ Cori G. Moore

22 PERKINS COIE LLP

23 David J. Burman

24 Cori G. Moore

25 1201 Third Avenue, Suite 4800

26 Seattle, WA 98101-3099

27 Tel: (206) 359-8000

28 Fax: (206) 359-9000

*Counsel for Plaintiff Costco Wholesale Corporation*

Dated: November 3, 2011

By: /s/ Debra D. Bernstein

ALSTON + BIRD LLP

Michael P. Kenny

Debra D. Bernstein

Rodney J. Ganske

1201 West Peachtree Street

Atlanta, GA 30309-3424

Tel: (404) 881-7000

Fax: (404) 881-7777

*Counsel for Plaintiffs Dell Inc. and Dell Products L.P.*

1 Dated: November 3, 2011

By: /s/ John R. Foote

2  
3 NIXON PEABODY LLC  
Karl D. Belgum  
John R. Foote  
4 One Embarcadero Center, 18<sup>th</sup> Floor  
San Francisco, CA 94111  
5 Tel: (415) 984-8200  
6 Fax: (415) 984-8300

7 *Counsel for Plaintiff Eastman Kodak*

8 Dated: November 3, 2011

By: /s/ William A. Isaacson

9 BOIES, SCHILLER & FLEXNER LLP  
10 William A. Isaacson (pro hac vice)  
5301 Wisconsin Ave. NW, Suite 800  
11 Washington, D.C. 20015  
Tel: (202) 237-2727  
12 Fax: (202) 237-6131

13 BOIS, SCHILLER & FLEXNER LLP  
Philip J. Iovieno (pro hac vice)  
14 10 North Pearl Street, 4<sup>th</sup> Floor  
Albany, NY 12207  
15 (518) 434-0600  
(518) 434-0665

16 BOIS, SCHILLER & FLEXNER LLP  
17 Laura J. McKay  
1999 Harrison Street, Suite 900  
18 Oakland, CA 94612  
Tel: (510) 874-1000  
19 Fax: (510) 874-1460

20 *Counsel for Plaintiffs Electrograph*  
21 *Systems, Inc., et al.*

1 Dated: November 3, 2011

By: /s/ B. Parker Miller

2 ALSTON + BIRD LLP  
3 Randall Allen  
4 275 Middlefield Road, Suite 150  
5 Menlo Park, CA 94025  
6 Tel: (650) 838-2000  
7 Fax: (650) 838-2001

8 ALSTON + BIRD LLP  
9 Peter Kontio  
10 Valarie C. Williams  
11 B. Parker Miller  
12 1201 West Peachtree Street  
13 Atlanta, GA 30309  
14 Tel: (404) 881-7000  
15 Fax: (404) 881-7777

16 *Counsel for Plaintiffs Nokia Corporation*  
17 *and Nokia Inc.*

18 Dated: November 3, 2011

By: /s/ David B. Esau

19 CARLTON FIELDS, P.A.  
20 James B. Baldinger (*pro hac vice*)  
21 Robert L. Ciotti (*pro hac vice*)  
22 David B. Esau (*pro hac vice*)  
23 CityPlace Tower  
24 525 Okeechobee Boulevard, Suite 1200  
25 West Palm Beach, FL 33401  
26 Tel: (561) 659-7070  
27 Fax: (561) 659-7368

28 *Counsel for Plaintiff TracFone Wireless,*  
*Inc.*

Dated: November 3, 2011

By: /s/ Anne E. Schneider

ATTORNEY GENERAL OF MISSOURI  
Chris Koster  
Anne E. Schneider (*pro hac vice*)  
Andrew M. Hartnett (*pro hac vice*)  
P.O. Box 899  
Jefferson City, MO 65102  
Tel: (573) 751-3321  
Fax: (573) 751-2041

*Counsel for Plaintiff State of Missouri*

1 Dated: November 3, 2011

By: /s/ David A. Curran

2 ATTORNEY GENERAL OF  
3 ARKANSAS  
4 David A. Curran (*pro hac vice*)  
5 323 Center Street, Suite 500  
6 Little Rock, AR 72201  
7 Tel: (501) 682-2007  
8 Fax: (501) 682-8118

*Counsel for Plaintiff State of Arkansas*

7 Dated: November 3, 2011

By: /s/ M. Elizabeth Lippitt

8 ATTORNEY GENERAL OF MICHIGAN  
9 Bill Schuette (*pro hac vice*)  
10 M. Elizabeth Lippitt (*pro hac vice*)  
11 Corporate Oversight Division  
12 525 West Ottawa Street, 6<sup>th</sup> Floor  
13 Lansing, MI 48933  
14 Tel: (517) 373-1160  
15 Fax: (517) 335-1935

*Counsel for Plaintiff State of Michigan*

14 Dated: November 3, 2011

By: /s/ Douglas L. Davis

15 ATTORNEY GENERAL OF WEST  
16 VIRGINIA  
17 Darrell McGraw  
18 Jill L. Miles (*pro hac vice*)  
19 Douglas L. Davis (*pro hac vice*)  
20 West Virginia Attorney General Office  
21 812 Quarrier St., First Floor  
22 Jefferson City, MO 65102  
23 Tel: (304) 558-8986  
24 Fax: (304) 558-0184

*Counsel for Plaintiff State of West Virginia*

21 Dated: November 3, 2011

By: /s/ Gwendolyn J. Cooley

22 ATTORNEY GENERAL OF  
23 WISCONSIN  
24 J.P. Van Hollen  
25 Gwendolyn J. Cooley (*pro hac vice*)  
26 Wisconsin Department of Justice  
27 P.O. Box 7857  
28 Madison, WI 53707  
Tel: (608) 261-5810  
Fax: (608) 267-2778

*Counsel for Plaintiff State of Wisconsin*



1 Dated: November 3, 2011

By: /s/ Lizabeth A. Brady

2 OFFICE OF THE ATTORNEY  
3 GENERAL

4 STATE OF FLORIDA

5 R. Scott Palmer

6 Lizabeth A. Brady

7 Nicholas Weilhammer

8 Eli Friedman

9 PL-01, The Capitol

10 Tallahassee, FL 32399-1050

11 Tel: (850) 414-3300

12 Fax: (850) 488-9134

13 *Counsel for Plaintiff State of Florida*

1 Dated: November 3, 2011

By: /s/ James A. Nickovich

2 NOSSAMAN LLP  
3 Christopher A. Nedeau, Esq.  
4 Carl L. Blumenstein, Esq.  
5 Allison M. Dibley, Esq.  
6 James A. Nickovich, Esq.  
7 50 California Street, 34th Floor  
8 San Francisco, CA 94111  
9 Tel: (415) 398-3600  
10 Fax: (415) 398-2438

11 *Counsel for Defendants AU Optronics*  
12 *Corporation and AU Optronics*  
13 *Corporation America*

14 Dated: November 3, 2011

By: /s/ Harrison J. Frahn IV

15 SIMPSON THACHER & BARTLETT  
16 LLP  
17 Harrison J. Frahn IV  
18 2550 Hanover Street  
19 Palo Alto, CA 94304  
20 Telephone: (650) 251-5000  
21 Facsimile: (650) 251-5002

22 DAVIS POLK & WARDWELL LLP  
23 Christopher B. Hockett  
24 Neal A. Potischman  
25 Sandra West  
26 1600 El Camino Real  
27 Menlo Park, CA 94205  
28 Tel: (650) 752-2000  
Fax: (650) 752-2111

*Counsel for Defendants Chi Mei*  
*Corporation, Chimei Innolux Corporation,*  
*Chi Mei Optoelectronics USA, Inc., CMO*  
*Japan Co., Ltd., Nexgen Mediatech, Inc.*  
*and Nexgen Mediatech USA, Inc.*

1 Dated: November 3, 2011

By: /s/ Joel Sanders

2 GIBSON, DUNN & CRUTCHER LLP  
3 Joel Sanders, Esq.  
4 555 Mission Street, Suite 3000  
5 San Francisco, CA 94105-2933  
6 Tel: (415) 393-8200  
7 Fax: (415) 986-5309

*Counsel for Defendants Chunghwa Picture  
Tubes, Ltd. and Tatung Company of  
America for Cases Nos. 10-cv-4573, 11-  
cv-0058, 09-cv-5609, and 10-cv-4945*

8 Dated: November 3, 2011

By: /s/ Ramona M. Emerson

9 K&L GATES LLP  
10 Hugh F. Bangasser, Esq.  
11 Ramona M. Emerson, Esq.  
12 925 Fourth Avenue, Suite 2900  
13 Seattle, WA 98104-1158  
14 Tel: (206) 623-7580  
15 Fax: (206) 623-7022

*Counsel for Defendants HannStar Display  
Corporation*

16 Dated: November 3, 2011

By: /s/ Kent M. Roger

17 MORGAN, LEWIS & BOCKIUS LLP  
18 Kent M. Roger  
19 Herman J. Hoying  
20 One Market, Spear Tower  
21 San Francisco, CA 94105  
22 Tel: (415) 442-1000  
23 Fax: (415) 442-1001

*Counsel for Defendants Hitachi, Ltd.,  
Hitachi Displays, Ltd., and Hitachi  
Electronic Devices (USA), Inc.*

1  
2 Dated: November 3, 2011

By: /s/ Michael R. Lazerwitz

3 CLEARY GOTTlieb STEEN &  
4 HAMILTON LLP  
5 Michael R. Lazerwitz, Esq.  
6 Lee F. Berger, Esq.  
7 Kelsey W. Shannon, Esq.  
8 2000 Pennsylvania Avenue N.W.  
9 Washington, DC 20006  
10 Tel: (202) 974-1500  
11 Fax: (202) 974-1999

12 PAUL HASTINGS LLP  
13 Holly A. House (SB# 136045)  
14 Kevin C. McCann (SB# 120874)  
15 55 Second Street  
16 Twenty-Fourth Floor  
17 San Francisco, CA 94105  
18 Tel: (415) 856-7000  
19 Fax: (415) 856-7100

20 *Counsel for Defendants LG Display*  
21 *America, Inc. and LG Display Co., Ltd.*

22 Dated: November 3, 2011

By: /s/ Michael E. Mumford

23 BAKER HOSTETLER LLP  
24 Ernest E. Vargo, Esq.  
25 Paul P. Eyre, Esq.  
26 Michael E. Mumford, Esq.  
27 PNC Center  
28 1900 East Ninth Street, Suite 3200  
Cleveland, OH 44114  
Tel: (216) 621-0200  
Fax: (216) 696-0740

*Counsel for Defendants Mitsui & Co.*  
*(Taiwan), Limited*

1 Dated: November 3, 2011

By: /s/ Brendan P. Cullen

2 SULLIVAN & CROMWELL LLP  
3 Garrard R. Beeney, Esq.  
4 Theodore Edelman, Esq.  
5 125 Broad Street  
6 New York, NY 10004-2498  
7 Tel: (212) 558-4000  
8 Fax: (212) 558-3588

9 Brendan P. Cullen, Esq.  
10 Shawn J. Lichaa, Esq.  
11 1870 Embarcadero Road  
12 Palo Alto, CA 94303  
13 Tel: (650)461-5600  
14 Fax: (650) 461-5745

15 *Counsel for Defendants Philips*  
16 *Electronics North*  
17 *America Corporation*

18 Dated: November 3, 2011

By: /s/ Jeffrey Davidson

19 COVINGTON & BURLING LLP  
20 Timothy C. Hester, Esq.  
21 Robert D. Wick, Esq.  
22 Derek Ludwin, Esq.  
23 Jeffrey Davidson, Esq.  
24 One Front Street  
25 San Francisco, CA 94111  
26 Tel: (415) 591-6000  
27 Fax: (415) 591-6091

28 *Counsel for Defendants Samsung*  
*Electronics Co., Ltd., Samsung*  
*Semiconductor, Inc., and Samsung*  
*Electronics America, Inc.*

1 Dated: November 3, 2011

By: /s/ Allison A. Davis

2 DAVIS WRIGHT TREMAINE LLP  
3 Allison A. Davis, Esq.  
4 505 Montgomery Street, Suite 800  
5 San Francisco, CA 94111  
6 Tel: (415) 276-6500  
7 Fax: (415) 276-6599

8 DAVIS WRIGHT TREMAINE LLP  
9 Nick S. Verwolf, Esq.  
10 777 108<sup>th</sup> Avenue N.E., Suite 2300  
11 Bellevue, WA 98004  
12 Tel: (425) 646-6100  
13 Fax: (425) 646-6199

14 *Counsel for Defendants Sanyo Consumer*  
15 *Electronics Co., Ltd.*

16 Dated: November 3, 2011

By: /s/ Tyler M. Cunningham

17 SHEPPARD MULLIN RICHTER &  
18 HAMPTON LLP  
19 Gary L. Halling  
20 James L. McGinnis  
21 Michael W. Scarborough  
22 Mona Solouki  
23 Tyler M. Cunningham  
24 Four Embarcadero Center, 17<sup>th</sup> Floor  
25 San Francisco, CA 94111-4106  
26 Tel: (415) 434-9100  
27 Fax: (415) 434-3947

28 *Counsel for Defendants Samsung SDI Co.,*  
*Ltd. and Samsung SDI America, Inc.*

Dated: November 3, 2011

By: /s/ Derek F. Foran

MORRISON & FOERSTER LLP  
Melvin Goldman  
Stephen P. Freccero  
Derek F. Foran  
425 Market Street  
San Francisco, California 94105-2482  
Tel: (415) 268-7000  
Fax: (415) 268-7522

*Counsel for Defendants Seiko Epson*  
*Corporation, Epson Imaging Devices*  
*Corporation and Epson Electronics*  
*America, Inc.*

1 Dated: November 3, 2011

By: /s/ Jacob R. Sorensen

2 PILLSBURY WINTHROP SHAW  
3 PITTMAN LLP

4 Jacob R. Sorensen, Esq.  
5 50 Fremont Street, 5<sup>th</sup> Floor  
6 San Francisco, CA 94105  
7 Tel: (415) 983-1000  
8 Fax: (415) 983-1200

6 BINGHAM MCCUTCHEN LLP

7 Colin West, Esq.  
8 Three Embarcadero Center  
9 San Francisco, CA 94111-4067  
10 Tel: (415) 393-2000  
11 Fax: (415) 393-2286

*Counsel for Defendants Sharp  
Corporation and Sharp Electronics  
Corporation*

12 Dated: November 3, 2011

By: /s/ Patrick J. Ahern

13 BAKER & MCKENZIE  
14 Patrick J. Ahern, Esq.  
15 One Prudential Plaza  
16 130 East Randolph Drive  
17 Chicago, IL 60601  
18 Tel: (312) 861-8000  
19 Fax: (312) 861-2899

*Counsel for Defendant Tatung Company  
of America, Inc.*

19 Dated: November 3, 2011

By: /s/ Kristen J. McAhren

20 WHITE & CASE LLP  
21 Christopher M. Curran (*pro hac vice*)  
22 John H. Chung (*pro hac vice*)  
23 Martin M. Toto (*pro hac vice*)  
24 Kristen J. McAhren (*pro hac vice*)  
25 1155 Avenue of the Americas  
26 New York, NY 10036  
27 Tel: (212) 819-8200  
28 Fax: (212) 354-8113

*Attorneys for Toshiba Corporation,  
Toshiba Mobile Display Co., Ltd., Toshiba  
America Electronic Components, Inc. and  
Toshiba America Information Systems,  
Inc.*

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: 11/4/11



---

HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE



**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Derek Foran, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: November 3, 2011

By: /s/ Derek F. Foran  
Derek F. Foran